

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Reallocation of Television	)	
Channels 60-69, the 704-	)	ET Docket No. 97-157
806 MHz Band	)	

To: The Commission

**COMMENTS OF THE COUNTY OF LOS ANGELES**

The County of Los Angeles ("County"), by its attorneys, hereby submits the following comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM"), in the above-captioned "746-806 MHz Band Reallocation" proceeding, FCC 97-245, released July 10, 1997, (62 FR 41012, July 31, 1997).

The Commission proposes to reallocate nationwide 24 MHz of current broadcast spectrum in the 746-806 MHz band (UHF channels 60-69) to public safety for fixed and mobile services. The reallocation, which is now required by law,<sup>1</sup> is in recognition of the substantial need for new spectrum for public safety use, as determined in the recently released Report of the Public Safety Wireless Advisory Committee ("PSWAC"). The County fully supports this proposed reallocation, as it will eventually provide spectrum relief throughout the nation for public safety agencies. However, as discussed in the County's submissions in response to the Sixth Further Notice of Proposed Rulemaking ("Sixth FNPRM"), MM Docket

<sup>1</sup> In the recently enacted Balanced Budget Act of 1997, Congress amended Section 337 of the Communications Act, 47 U.S.C. § 337 (a), to require that the Commission allocate 24 MHz of spectrum between 746-806 MHz for public safety use no later than January 1, 1998. See H.R. Conf. Rep. No. 1037, 105<sup>th</sup> Cong., 1<sup>st</sup> Sess. 17 (1997).

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No. 87-268, FCC 96-317, released August 14, 1996,<sup>2</sup> unless the Commission's digital television (DTV) channel allotment plan for channels 60-69 in the Los Angeles area is modified, no new 746-806 MHz spectrum will be available for public safety use in Southern California until the end of the DTV transition period, now slated for 2006.

The pleadings filed by the County in response to the Sixth FNPRM highlight the urgent necessity for Commission action to revise its DTV allotment plan to accommodate the special spectrum needs faced by public safety agencies in the Los Angeles area. As the Commission is well aware, the Los Angeles metropolitan area is one of the most, if not the most, heavily spectrum congested regions of the country. Public safety agencies in the area are desperate for substantial new spectrum to assist them in their ever-increasing job of protecting life and property. Indeed, the spectrum situation in Los Angeles made it the model for the spectrum requirements analysis used in the PSWAC Report.<sup>3</sup>

Notwithstanding the desperate situation in Los Angeles, the Commission's DTV plan allots four (4) channel 60-69 DTV stations to Los Angeles, and two (2) additional channel 60-69 DTV stations to the nearby towns of Riverside, California, and San Bernardino, California (out of a total of 15 channel 60-69 DTV allotments nationwide). These six channel 60-69 DTV allotments coupled with three (3) existing NTSC stations on channels 60-69 in the Los Angeles area will effectively make it impossible for public safety stations to operate anywhere in the 746-806 MHz band proposed for reallocation until at least the end of the DTV transition

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<sup>2</sup> See Comments of the County of Los Angeles, filed November 22, 1996; Reply Comments of the County of Los Angeles, filed January 24, 1997; Petition for Reconsideration, filed June 13, 1997 ("County Petition for Reconsideration"); Response of the County of Los Angeles to Petitions for Reconsideration., filed July 18, 1997.

<sup>3</sup> See County Petition for Reconsideration, at 5.

period, January 31, 2006.<sup>4</sup> Thus, while the County supports the proposed reallocation of 24 MHz of new spectrum in the 764-776 MHz (channels 63-64) and 794-806 MHz (channels 68-69) bands for public safety use, it contemplates no near term benefit from this action absent changes in the DTV allotments.

In its submissions in MM Docket 87-268,<sup>5</sup> the County has already suggested several ways which the Commission could modify the DTV allotment table to free up more spectrum for public safety agencies in the Los Angeles area. For example, the County suggested that the Commission consider the impact of the mountainous Southern California terrain, which may allow for terrain shielding and greater reuse of TV channels below channel 60, thus reducing the need to use channels 60-69 for DTV. The Commission should also examine whether channels below channel 60 that are now allotted for yet-to-be built analog stations in Southern California can be reclaimed and used for DTV.<sup>6</sup>

Particularly in the absence of any significant change in the Los Angeles DTV allotment table, the Commission must take other steps to make available new spectrum for public safety agencies in Los Angeles. For example, as required by a recently enacted provision in the Balanced Budget Act of 1997,<sup>7</sup> the Commission must grant waivers to public safety agencies to use vacant spectrum, upon satisfaction of specific statutory standards. This provision was

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<sup>4</sup> See H.R. Conf. Rep. No. 1037, 105<sup>th</sup> Cong., 1<sup>st</sup> Sess. 16 (1997).

<sup>5</sup> See County Petition for Reconsideration; Comments of the County of Los Angeles, Reply Comments of the County of Los Angeles.

<sup>6</sup> The Commission must also specifically address where it will place the station licensed to Riverside, California. This licensee currently operates an NTSC station there on channel 62, and has been allotted DTV channel 69, which the Commission currently proposes for reallocation to public safety in the Los Angeles area.

<sup>7</sup> See H.R. Conf. Rep. No. 1037, 105<sup>th</sup> Cong., 1<sup>st</sup> Sess. 18 (1997), adding new Section 337 (c) to the Communications Act of 1934, 47 U.S.C. § 337 (c)..

adopted in specific recognition of the problems faced in the Los Angeles area. The Commission must also take the initiative and explore other spectrum allocation options to satisfy the immediate spectrum requirements of this highly congested part of the country.

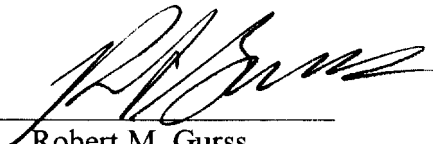
### **Conclusion**

While the County supports the reallocation of 24 MHz of new spectrum for public safety in the 746-806 MHz band, the County urges the Commission to address the immediate spectrum needs of public safety agencies in the Los Angeles area by amending its DTV allotment table, and/or immediately exploring alternative spectrum sources to provide relief during the interim period.

Respectfully submitted,

COUNTY OF LOS ANGELES

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